

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

D. JEANETTE FINICUM, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 2:18-cv-00160-SU

OPINION AND ORDER

MOSMAN, J.,

On December 9, 2019, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F&R”) [ECF 130], recommending that I GRANT Defendant W. Joseph Astarita’s Motion to Dismiss [ECF 101]. No objections were filed.

LEGAL STANDARD


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge Sullivan's reasoning and conclusions. Therefore, I ADOPT the F&R [130] as my own opinion. Plaintiffs' claims against Mr. Astarita are DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 24 day of January, 2020.



MICHAEL W. MOSMAN
United States District Judge